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**MEMO ENDORSED**

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May 29, 2007

Our Ref: 207-07/WLJ

**BY HAND**

Honorable Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 650  
New York, NY 10007

Re: NB Shipping Ltd. v. Genuine Shipping Corp. 07-3237 (RMB)

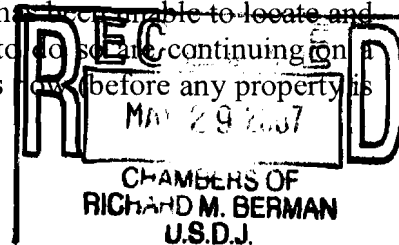
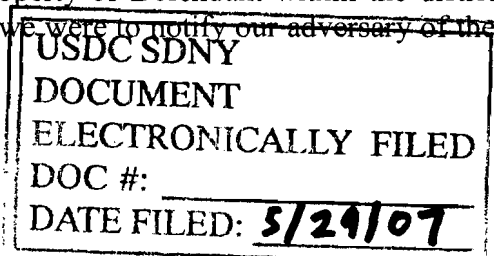
Dear Judge Berman:

We represent Plaintiff in this matter and write to request an adjournment of the initial conference which is currently scheduled for June 4, 2007, at ~~9:14 a.m.~~ <sup>2:30 p.</sup> This is our first request for an adjournment.

This matter involves a claim by Plaintiff for breach of a maritime contract of charter party which is subject to London arbitration. The merits will be decided in London and there will be no discovery or other substantive actions in connection with this New York action. This action was commenced for purposes of obtaining security in connection with the London arbitration. Plaintiff's complaint thus included a request for an attachment pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure, which relief was granted by the Court *ex parte*, as provided for in Rule B.

Rule B specifically provides for an attachment as *ex parte* relief, and under Local Admiralty Rule B.2, we are not required to provide notice of these proceedings to the defendant until after property has been actually restrained. Thus far, Plaintiff has been unable to locate and restrain any property of Defendant within the district, but efforts to do so are continuing on a daily basis. If we were to notify our adversary of these proceedings now (before any property is

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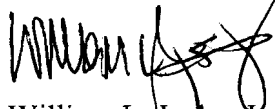
The Honorable Richard M. Berman  
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restrained) by providing notice of an initial conference, the purpose for which the attachment was sought and this Court's order of attachment would be defeated.

Accordingly, because the dispute is subject to London arbitration and because assets of the defendant have not yet been restrained triggering the notice provision of Rule B, we submit that there is no need for a scheduling conference and respectfully ask that June 4 conference be adjourned.

Respectfully submitted,

FREEHILL HOGAN & MAHAR, LLP

  
William L. Juska, Jr.

<u>Conference vacated.</u>	
SO ORDERED, Date: <u>5/29/07</u>	<u>Richard M. Berman</u> Richard M. Berman, U.S.D.J.